



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 6047-99
24 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former commissioned officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that he be transferred to the Retired Reserve vice being discharged on 30 June 1972.

2. The Board, consisting of Mr. Silberman, Mr. Neuschafer and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 14 March 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner was informed on 9 February 1972 that since he had twice failed of selection to LTCOL (O-5) and would soon complete 20 years of commissioned service, his discharge or retirement was required. He was also informed that he had only been credited with 13 years of qualifying service but could request transfer to the Retired Reserve without pay and continue his association with the Marine Corps Reserve. Apparently, Headquarters Marine Corps did not receive a request for retirement and Petitioner was honorably discharged on 30 June 1972.

d. Petitioner now states that he requested retirement in a

timely manner, but only recently discovered that he had been discharged instead.

e. Under regulations in effect at the time of Petitioner's discharge, he was eligible to request honorary retirement. This status allowed the member to maintain military status and have a reserve identification card which allowed access to military installations and the use of recreational facilities. However, individuals in this status did not have 20 qualifying years and they were not eligible for retired pay at age 60. The policy of allowing such honorary retirements was ended on 1 March 1999.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner was eligible for honorary retirement and would have been retired if his request had been properly processed, the Board concludes that the record should be corrected to show that he transferred to the Retired Reserve effective 1 July 1972 vice being discharged on 30 June 1972. The Board is aware that this is an honorary status only and Petitioner is not eligible for retired pay at age 60.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand Petitioner's status as an honorary retiree.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he transferred to the Retired Reserve on 1 July 1972 in the grade of major vice being discharged on 30 June 1972.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of

Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director